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The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Basic Service Tier Encryption; Compatibility Between Cable Systems and Consumer Electronics Equipment, MB Docket No. 11-169, PP Docket No. 00-67.

Dear Chairman Genachowski:

I have only recently become aware of the pending ruling to allow cable companies to encrypt local broadcasters on their basic tier of channels. I oppose this measure in the strongest way. It is my belief that the FCC acts in the best interest of the public it serves and not in the financial interest of the cable companies with political connections and deep pockets. Quoting from the Communications Act of 1934 Amended Title 1, Sec. 1, "For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication….."

Any regulation that interferes with the public's ability to receive critical "national defense" and "safety of life and property" communications not only negates the public interest mandate, but should be considered counter to the expressed reason that the FCC exists. Of particular interest is the phrase "without discrimination on the basis of race, color, religion, national origin, or sex". Millions of American households, especially minorities, are unable to financially afford the burden of having a set top box for every TV in their home. Many older people find it confusing and frustrating to deal with another electronic device and an extra remote control.

It has always been my belief and hope that the FCC, as mandated by Congress, acts in the public interest and serves to protect the public from powerful, self-serving corporations whose primary and sometimes only motivation is to maximize profit by any means possible. Unfortunately, Comcast and other national and international communication monopolies have managed to control and act as the gatekeepers for the free flow of information in a free and open society. Our nation was founded on freedom of expression, freedom to exchange ideas, and freedom to share the emotions that form the fabric of our wonderful country.

Section 7 (a) states, "It shall be the policy of the United States to encourage the provision of new technologies and services to the public. Any person or party (other than the Commission) who opposes a new technology or service proposed to permitted under this Act shall have the burden to demonstrate that such proposal is inconsistent with the public interest." This section

is as consistent with operating in the public interest as the encrypting of local broadcast channels is inconsistent in the public interest.

Tens of millions of Americans have purchased high definition, flat panel and other TVs with the ability to receive over-the-air digital broadcasts and cable digital broadcasts without a set top box due to the integration of a QAM tuner in these current generation television sets. The cable industry's insistence on encrypting local channels has and will make these tuners completely worthless. This is not acting in the public interest, since the public has paid for these tuners and the regulation to allow encryption will make them obsolete, an action inconsistent with Section 7 (a).

A large number of Americans have chosen to attach their flat-panel TVs to their walls in living rooms, bedrooms and even bathrooms. Some of us have gone to significant efforts to build power outlets and coax outlets into the wall behind the TVs. If a set top box is required to view even local channels, it would become necessary to run audio and video cables to the TV or a HDMI cable strung along the wall that would detract from many installations. Set top box placement also becomes an issue. Another "solution" would be to hire a contractor to install proper cabling, outlets and faceplates or to do it yourself. Either way, the consumer once again pays the price.

One of the cable industry's rationales for requesting this ruling is to reduce the number of truck rolls and thereby reducing the environmental impact on carbon emissions. Yes, there is no doubt that having the ability to connect and disconnect service electronically by the authorization of set top boxes will reduce the need for service calls, but the reduction in their labor force and reduction in truck rolls serves to directly benefit the cable company and not the consumer. In fact, the enactment of this ruling will place a very significant financial, technological, and inconvenience burden on all subscribers. Most subscribers pick up and drop off their rented cable equipment, wait in line, sometimes for an hour or more and therefore bear the transportation burden. Many older and lower income people are homebound and do not have an option to drive or take public transportation to the cable company. Yes, it can be done, but it is a shift of responsibilities from the company to the consumer.

If the cable industry really wanted to reduce or eliminate the number of truck rolls for turning on and off service, the integration of a very simple electronic switch on the "pole" would solve the problem of theft of service. Simply make the device IP controllable and the cable company could turn service on and off at will. The response from the cable industry will be that this places a burden on them, but theft of service is their problem and not the consumers. It is unfair to make all customers suffer the expense and inconvenience of set top boxes when a simple solution exists. It is common knowledge that consumer-level technology exists that allows us to switch on and off ovens, lights, heat, air conditioning, security, sprinklers and other devices from any Internet-connected device and from anywhere in the world. This is the solution that would not have negatively impacted customers and would have allowed the cable industry to eliminate theft of service.

The installation of IP remote RF switches at the "pole" would also solve the problem of providing local basic tier services to hospitals, schools and other multiple TV installations.

The cable industry is well aware that theft of service, when it does occur, most frequently happens in high density communities and almost never happens it most other service areas. If they truly wanted to reduce this problem, place IP switch devices in those locations.

Another weak, but rarely mentioned, link in the cable industry's desire to encrypt the basic tier is the delivery to Internet-only customers. Instead of all or nothing switches at the pole, the "off" position could pass-through the Internet or other critical services by the use of filters. A device of this nature would be simple to design and inexpensive to manufacture. It should be the duty of the FCC to reject local channel, basic tier encryption and spend the time necessary to carefully study this issue and provide a solution that is both fair to the public and provides the cable industry with protection.

As an FCC-regulated communications entity, the cable industry should be required to pass certain channels, unencrypted and unfiltered to everyone for the purpose of informing the public of national and local emergencies.

Local broadcast television stations depend upon the cable industry to distribute their signal to the viewing public. Over-the-air digital broadcasts lack the ability to reliably travel to the intended receiver, rain fade and other environmental conditions degrade reliability, as do leafy trees. As we all know, digital either works perfectly or it doesn't and the digital cliff is more defined than analog ever was. If basic tier encryption is enacted, viewership will decrease simply due to inconvenience of connecting a set top box at every TV. Additionally, the DTA converters provided to customers degrade the signal, convert a pristine HD signal to SD, do not pass through digital audio and do not provide Dolby 5.1 as many stations use. It completely invalidates HDMI and the clean digital stream we have come to expect.

I have read with interest Michael Powel's July 25, 2012, letter to you regarding the elimination on the prohibition on encryption of the basic tier. He states, "The record clearly demonstrates that this rule change would be pro-consumer and pro-innovation and should be adopted as quickly as possible." No "record" exists to support either of his claims, and to state that this action would be "pro-consumer" defies both logic and any reasonable evaluation of the facts. He further mentions "IP-enabled Clear QAM" devices as a significant concern and states that "those concerns are misplaced, particularly because manufactures of such devices could build their devices with CableCARD slots." This statement ignores the thousands of devices already in the field and totally ignores the tens of millions of digital TVs with QAM tuners. If a technology is to be forced into obsolescence, the public deserves and manufacturers too, time to adapt. Mr. Powell also states that CableCARD slots are "the Commission's preferred solution for decrypting cable content in retail devices." What is the number one device used by the public for decrypting cable content in retail devices? The answer is obviously TVs and CableCARD slots in consumer TVs is almost non-existent. Once again, Mr. Powell's argument favors the cable industry and not the American consumer.

In Mr. Powell's concluding remarks, he states "All satellite and IPTV providers encrypt all of their programming, and the same is true for online video distributors." The facts are true, but the argument is weak for several reasons. The satellite broadcast is visible to anyone with a clear view of the satellite's position in the sky and therefore could be potentially intercepted and used by anyone with a receiver. The same is not true of cable since it requires a physical connection and is only delivered to customers by direct, deliberate, and individual feeds to customers. The cable company can "cut" the cable and satellite providers cannot. Secondly, Mr. Powell forgets that on the Internet, IPTV is only a small component of a larger entity. His argument equates to encrypting the entire Internet simply to protect IPTV.

Mr. Powell also states "Indeed, each day that passes without Commission action delays the significant benefits that will come from the Commission's proposed rule change…" The inference is that everyone benefits from the rule change and the reality is only the cable

operators are the beneficiaries. The public bears the burden of providing these benefits to the cable industry. It is hardly a fair implementation.

The entire intent of allowing local channel encryption clearly flies in the face of Section 624A Consumer Electronics Equipment Compatibility. The Commission should be reminded of the intent of Congress in enacting this legislation.

(a) FINDINGS.--The Congress finds that--
(1) new and recent models of television receivers and video cassette recorders often contain premium features and functions that are disabled or inhibited because of cable scrambling, encoding, or encryption technologies and devices, including converter boxes and remote control devices required by cable operators to receive programming;

(2) if these problems are allowed to persist, consumers will be less likely to purchase, and electronics equipment manufacturers will be less likely to develop, manufacture, or offer for sale, television receivers and video cassette recorders with new and innovative features and functions;

(3) cable operators should use technologies that will prevent signal thefts while permitting consumers to benefit from such features and functions in such receivers and recorders; and

(4) compatibility among televisions, video cassette recorders, and cable systems can be assured with narrow technical standards that mandate a minimum degree of common design and operation, leaving all features, functions, protocols, and other product and service options for selection through open competition in the market.

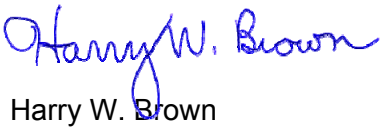
(2) SCRAMBLING AND ENCRYPTION.--In issuing the regulations referred to in paragraph (1), the Commission shall determine whether and, if so, under what circumstances to permit cable systems to scramble or encrypt signals or to restrict cable systems in the manner in which they encrypt or scramble signals, except that the Commission shall not limit the use of scrambling or encryption technology where the use of such technology does not interfere with the functions of subscribers' television receivers or video cassette recorders.

The facts clearly and unequivocally show that if this rule is enacted, the Commission will "interfere with the functions of subscribers' television receivers or video cassette recorders."

The Commission has a duty to regulate communications entities that serve the public and must always place that at the forefront of any decision. If a decision benefits both the providers and the public, the Commission should study and enact regulations to promote that benefit. In this case, allowing cable operators to encrypt and therefore control local basic tier programming and make obsolete millions of current generation TVs would be a travesty of the highest order.

I am a private citizen, unaffiliated with any organization or group, and am simply a Comcast customer facing a significant inconvenience to my enjoyment of television.

Sincerely,



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